

THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

---

ESTATE OF CHERYL R. MOORE and  
PHILLIP MOORE,

**Civ. 14-4176**

Plaintiff,

**MOTION TO DISMISS  
THIRD-PARTY COMPLAINT**

v.

KEITH R. CARROLL, MACFARLANE  
PHEASANTS, INC. and JOHN DOE,

Defendants and Third-Party Plaintiffs.

v.

DOUBLE D SERVICES, INC. and  
BLOCK DIESEL REPAIR, INC.,

Third-Party Defendants.

---

COMES NOW, Third-Party Defendant, Block Diesel Repair, Inc. ("Block Diesel"), and through its counsel of record, respectfully moves this Court to dismiss the Third-Party Complaint against Block Diesel for lack of personal jurisdiction. Block Diesel's Brief in Support of Motion to Dismiss filed contemporaneously with this motion, and relies upon the Affidavit of Kerry Block dated June 29, 2015 (the original of which will be filed separately).

Based on the foregoing, Block Diesel requests an order dismissing the Third-Party Complaint as it relates to Block Diesel pursuant to Fed. R. Civ. P. 12(b)(2).

Dated this 30th day of June, 2015.

\_\_\_\_\_  
/s/ Gregory H. Wheeler  
Gregory H. Wheeler  
Boyce Law Firm, L.L.P.  
300 S. Main Avenue  
PO Box 5015  
Sioux Falls, SD 57117-5015  
(605) 336-2424

**CERTIFICATE OF SERVICE**

I, Gregory H. Wheeler, hereby certify that on the 30th day of June, 2015, I electronically filed with the Clerk of Court the foregoing Motion to Dismiss using the CM/ECF system which will automatically send e-mail notification of such filings to the attorneys of record.

- **Jami Bishop** (jami@janklowlaw.com)
- **Andrew Damgaard** (Andrew.damgaard@janklowlaw.com)
- **Reed Rasmussen** (rrasmussen@sbslaw.net)

\_\_\_\_\_  
/s/ Gregory H. Wheeler